

Please type a plus sign (+) inside this box →

RPTO/SB/21 (08-00) I FW

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/759,741
		Filing Date	January 15, 2004
		First Named Inventor	McMillan
		Group Art Unit	3725
		Examiner Name	Unassigned
Total Number of Pages in This Submission	7	Attorney Docket Number	020048-003121US

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	1) <b>Return receipt postcard</b>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s)	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		Remarks
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. Total number of pages <u>does not</u> include cited references.

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Chun-Pok Leung	
Signature		
Date	November 9, 2004	

### CERTIFICATE OF MAILING

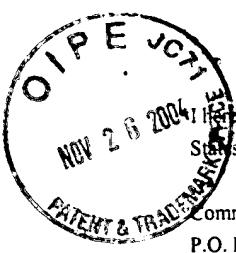
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

November 27, 2004

Typed or printed name	Christopher R. Fitting		
Signature		Date	November 27, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

60360800 v1



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 11/22/04

TOWNSEND and TOWNSEND and CREW LLP

By: Chris Fultz

**PATENT**  
Attorney Docket No.: 020048-003121US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

WILLIAM A MCMILLAN et al.

Application No.: 10/759,741

Filed: January 15, 2004

For: APPARATUS AND METHOD FOR  
CELL DISRUPTION

Examiner: Unassigned

Art Unit: 3725

**SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on the attached PTO/SB/08A and PTO/SB/08B forms are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the non US patent references can be found in Application No. 09/469,724, filed December 21, 1999 and issued as US Patent 6,431,476 on August 13, 2002 (Attorney Docket No. 020048-002550US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information, and no inference should be made that the information and references cited are, or are considered to be material to patentability because they are in this statement. No inference should be made that the information and references cited are prior art merely because they are in this statement.

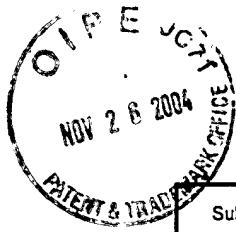
Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Chun-Pok Leung  
Reg. No. 41,405

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
RL:crf  
60356080 v1



Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/759,741
				Filing Date	January 15, 2004
				First Named Inventor	McMillan, William A.
				Art Unit	3725
				Examiner Name	Unassigned
Sheet	1	of	4	Attorney Docket Number	020048-003121US

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-6,440,725	08-27-2002	Pourahmadi et al.	
	AB	US-6,431,476	08-13-2002	Taylor et al.	
	AC	US-6,391,541	05-21-2002	Petersen et al.	
	AD	US-6,168,948	01-02-2001	Anderson et al.	
	AE	US-6,156,273	12-05-2000	Regnier et al.	
	AF	US-6,153,073	11-28-2000	Dubrow et al.	
	AG	US-6,100,084	08-08-2000	Miles et al.	
	AH	US-6,090,545	07-18-2000	Wohlstadter et al.	
	AI	US-6,080,295	06-27-2000	Parce et al.	
	AJ	US-6,068,752	05-30-2000	Dubrow et al.	
	AK	US-6,042,709	03-28-2000	Parce et al.	
	AL	US-5,972,710	10-26-1999	Weigl et al.	
	AM	US-5,921,678	07-13-1999	Desai et al.	
	AN	US-5,880,071	03-09-1999	Parce et al.	
	AO	US-5,874,046	02-23-1999	Megerie	
	AP	US-5,869,004	02-09-1999	Parce et al.	
	AQ	US-5,863,801	01-26-1999	Southgate et al.	
	AR	US-5,863,502	01-26-1999	Southgate et al.	
	AS	US-5,858,188	01-12-1999	Soane et al.	
	AT	US-5,856,174	01-05-1999	Lipshutz et al.	
	AU	US-5,846,727	12-08-1998	Soper et al.	
	AV	US-5,843,767	12-01-1998	Beattie	
	AW	US-5,842,787	12-01-1998	Kopf-Sill et al.	
	AX	US-5,741,639	04-21-1998	Ensing et al.	
	AY	US-5,716,852	02-10-1998	Yager et al.	
	AZ	US-5,707,799	01-13-1998	Hansmann et al.	
	BA	US-5,705,018	01-06-1998	Hartley	
	BB	US-5,693,782	12-1997	Woodard et al.	
	BC	US-5,652,141	07-29-1997	Henco et al.	
	BD	US-5,641,400	06-24-1997	Kaltenbach et al.	
	BE	US-5,639,428	06-17-1997	Cottingham	
	BF	US-5,639,423	06-17-1997	Northrup et al.	
	BG	US-5,616,701	04-01-1997	Woodard et al.	
	BH	US-5,605,662	02-25-1997	Heller et al.	
	BI	US-5,587,128	12-24-1996	Wilding et al.	
	BJ	US-5,585,069	12-17-1996	Zanzuchi et al.	
	BK	US-5,580,794	12-03-1996	Allen	
	BL	US-5,580,435	12-03-1996	Kovacs	
	BM	US-5,543,305	08-06-1996	Cummins et al.	
	BN	US-5,534,054	07-09-1996	Woodard et al.	
	BO	US-5,500,071	03-19-1996	Kaltenbach et al.	

Examiner Signature	Date Considered
--------------------	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/759,741
(use as many sheets as necessary)				Filing Date	January 15, 2004
				First Named Inventor	McMillan, William A.
				Art Unit	3725
				Examiner Name	Unassigned
Sheet	2	of	4	Attorney Docket Number	020048-003121US

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	BP	US-5,458,761	10-17-1995	Kamahori et al.	
	BQ	US-5,443,590	08-22-1995	Ohman	
	BR	US-5,438,129	08-01-1995	Woodard et al.	
	BS	US-5,427,946	06-27-1995	Kricka et al.	
	BT	US-5,427,663	06-27-1995	Austin et al.	
	BU	US-5,422,241	06-06-1995	Goldrick et al.	
	BV	US-5,374,533	12-20-1994	Matsuzawa et al.	
	BW	US-5,374,522	12-20-1994	Murphy et al.	
	BX	US-5,351,777	10-04-1994	Jhingan	
	BY	US-5,342,931	08-30-1994	Woodard et al.	
	BZ	US-5,330,916	07-19-1994	Williams et al.	
	CA	US-5,304,487	04-19-1994	Wilding et al.	
	CB	US-5,296,375	03-22-1994	Kricka et al.	
	CC	US-5,234,809	08-10-1993	Boom et al.	
	CD	US-5,229,297	07-20-1993	Schnipelsky et al.	
	CE	US-5,223,219	06-29-1993	Subramanian et al.	
	CF	US-5,207,988	05-04-1993	Lucas	
	CG	US-5,155,018	10-13-1992	Gillespie et al.	
	CH	US-5,124,444	06-23-1992	Van Ness et al.	
	CI	US-5,114,858	05-19-1992	Williams et al.	
	CJ	US-5,074,474	12-24-1991	Golz et al.	
	CK	US-5,061,446	10-29-1991	Guigan	
	CL	US-4,983,523	01-08-1991	Li et al.	
	CM	US-4,963,498	10-16-1990	Hillman et al.	
	CN	US-4,923,978	05-08-1990	McCormick	
	CO	US-4,921,952	05-01-1990	Longmire et al.	
	CP	US-4,918,025	04-17-1990	Greener	
	CQ	US-4,915,812	04-10-1990	Parce et al.	
	CR	US-4,908,318	03-13-1990	Lerner	
	CS	US-4,908,112	03-13-1990	Pace	
	CT	US-4,895,500	01-23-1990	Hok et al.	
	CU	US-4,891,120	01-02-1990	Sethi et al.	
	CV	US-4,874,137	10-17-1989	Chiba	
	CW	US-4,855,240	08-08-1989	Rosenstein et al.	
	CX	US-4,789,628	12-06-1988	Nayak	
	CY	US-4,642,220	02-10-1987	Bjorkman	
	CZ	US-4,426,451	01-17-1984	Columbus	
	DA	US-3,799,742	03-1974	Coleman	
	DB	US-2002/0019060	02-14-2002	Petersen et al.	
	DC	US-2002/0039783	04-04-2002	McMillan et al.	
	DD	US-2002/0045246	04-18-2002	McMillan et al.	

Examiner Signature	Date Considered
--------------------	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 801.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 18 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449A/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/759,741
(use as many sheets as necessary)				Filing Date	January 15, 2004
				First Named Inventor	McMillan, William A.
				Art Unit	3725
				Examiner Name	Unassigned
Sheet	3	of	4	Attorney Docket Number	020048-003121US

<b>U.S. PATENT DOCUMENTS+</b>					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	DE	US-2002/0055167	05-09-2002	Pourahmadi et al.	

<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
DF	DE		19519015	09-1996			<input type="checkbox"/>
DG	EP		0 271 448	06-1988			<input type="checkbox"/>
DH	EP		0 337 690	10-1989			<input type="checkbox"/>
DI	EP		0 430 248	06-1991			<input type="checkbox"/>
DJ	EP		0 576 602	11-1995			<input type="checkbox"/>
DK	EP		0 123 456	01-2000			<input type="checkbox"/>
DL	GB		938163	10-1963			<input type="checkbox"/>
DM	WO		92/05442	04-1994			<input type="checkbox"/>
DN	WO		95/12808	05-1995			<input type="checkbox"/>
DO	WO		96/07954	03-1996			<input type="checkbox"/>
DP	WO		96/12541	05-1996			<input type="checkbox"/>
DQ	WO		97/02357	01-1997			<input type="checkbox"/>
DR	WO		98/08594	03-1998			<input type="checkbox"/>
DS	WO		98/10277	03-1998			<input type="checkbox"/>
DT	WO		98/38487	09-1998			<input type="checkbox"/>

Examiner Signature	Date Considered
--------------------	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup>Applicant's unique citation designation number (optional). <sup>3</sup>Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup>Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>					
(use as many sheets as necessary)					
Sheet	4	of	4		
				Attorney Docket Number	020048-003121US

<b>NON PATENT LITERATURE DOCUMENTS</b>					
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.			T <sup>2</sup>
	DU	ANDERSON et al., "Microfluidic Biochemical Analysis System," <u>Transducers '97, Int'l Conf. on Solid-State Sensors and Actuators</u> , held in Chicago, 6/16-19/1997, pages 477-480.			
	DV	BRODY et al., "Deformation and Flow of Red Blood Cells in a Synthetic Lattice: Evidence for an Active Cytoskeleton," <u>Biophysical Journal</u> , 68:2224-2232 (1995).			
	DW	BRODY et al., "Diffusion-Based Extraction in a Microfabricated Device," <u>Sensors and Actuators A</u> , 58:13-18 (1997).			
	DX	BRANEBJERG et al., "Fast Mixing by Lamination," <u>Proceedings of the Conference on MEMS</u> , held February 11-15, 1996 in San Diego, CA.			
	DY	BUCK et al., "Rapid, Simple Method for Treating Clinical Specimens Containing Mycobacterium Tuberculosis To Remove DNA for Polymerase Chain Reaction," <u>J. Clinical Microbiology</u> , pages 1331-1334 (1992).			
	DZ	CUYPERS et al., "The NucliSens™ Extractor for Automated Nucleic Acid Isolation," <u>Infusionsther Transfusionsmed</u> , 25:147-151 (1998).			
	EA	KLAASSEN et al., "Silicon Fusion Bonding and Deep Reactive Ion Etching: A New Technology for Microstructures," <u>Sensors and Actuators A</u> , 52:132-139 (1996).			
	EB	MAULF, N., "Silicon Fusion Bonding Plus DRIE Delivers Design Flexibility," <u>Micromachine Devices</u> , 2:4-5 (1997).			
	EC	SANZ et al., "Effect of Ultrasonic Waves on the Heat Resistance Of <i>Bacillus Stearothermophilus</i> Spores Fundamental And Applied Aspects of Bacterial Spores," pages 251-259 (1985).			

Examiner Signature	Date Considered
--------------------	-----------------

<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>2</sup>Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.